



Public Works Department
101 CITY HALL PLAZA
DURHAM, NC 27701
P 919.560.4326
F 919.560.4316
Sandra.Wilbur@durhamnc.gov



Public Works Department – Engineering and Stormwater Division

www.durhamnc.gov

Conservation Easement Donation Procedure and Policy

Sandra Wilbur, PE
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Items to be Covered Today

1. Procedures for Conservation Easement Donation
2. Checklist Form
3. Review Criteria Policy for Acceptance of Conservation Easements for Non-Contiguous Land Bank



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Procedures

Step 1: Pre-Submittal Meeting

- Determine acreage needed. ADVISED TO BE CONSERVATIVE IN CASE OF CHANGES TO THE PLAN.
- Locate Parcel
- Prepare maps, calculations, Factor Evaluation of Conservation Easement(Using Review Criteria Policy).
- Fill out Pre-Submittal Meeting Portion of Checklist
- Email Checklist and attachments to Rhonda.Spivey@durhamnc.gov to schedule a Pre-submittal Meeting



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Procedures

Step 2: First Submittal with Site Plan

- Copy of Checklist form with Site Plan Submittal portion filled out. Information from pre-submittal portion should also be included.
- Final maps, nitrogen calculations, Factor Evaluation of conservation easement (Using Review Criteria Policy).
- Copy of draft proposed conservation easement document and draft plat for review.



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Procedures

Step 3: Final Recorded Permanent Conservation Easement

- Prior to approval of the site plan, the final recorded permanent conservation easement must be received by Stormwater Services.



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Reference Documents

www.durhamnc.gov/stormwater

- Stormwater Performance Standards for Development Ordinance Effective March 17, 2009
- Review Criteria Policy for Acceptance of Conservation Easements for Non-Contiguous Land Bank
- Stormwater Services Conservation Easement Donation Submittal Checklist
- Stormwater Services Procedure for Conservation Easement Donation



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Public Works Department – E

Public Works Department
Stormwater Services Division
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Noncontiguous Nonurban Conservation Easement Donative Submittal Checklist

I. PROJECT INFORMATION

Project Name: _____ Date: _____
Permittee Project Name, if applicable: _____ Planning Case Number: _____
Project Contiguous Contact Person: _____ Phone number: _____
Tax parcel: _____ Company Name: _____
Watershed: _____ Stream or Cape Fear (under use): _____ Subwatershed: _____

II. PRE-SCANTAL MEETING/CONSERVATION EASEMENT INFORMATION

Parcel ID/Physical ID: _____ Size of Tract: _____
Acres from 10' to 100' Stream Buffer: _____ a 1.0" _____
Acres outside 100' Stream Buffer and 100' Secondary non-adjacent forest: _____ a 1.2" _____
Total: _____

Easement to be acquired by: _____
Stipends/Land Use Project Fee: _____ (Stipends: _____ Grants/Grants/Endowment: _____ %)
Stipends Provided: _____ (Grants/Grants: _____ %)

NOTES:

Please email all pages of this Checklist Form and attachments to Sandra.Wilbur@durhamnc.gov in support of your submittal meeting.



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Review Criteria Policy for Acceptance of Conservation Easements

1. Factors Supporting Acceptance
2. Factors Against Acceptance
3. Modifications to Existing Conditions
4. Parcels that will not be accepted
5. Land that will not count

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Review Criteria Policy for Acceptance of Conservation Easements

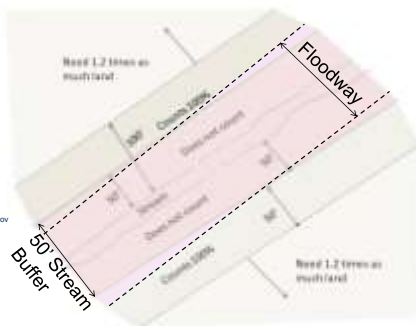
1. Factors Supporting Acceptance
 - Wooded Riparian Area

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Factors Supporting Acceptance

- **Wetland** identified
- **Floodplain** identified (floodway and non-encroachment area do not count)
- Existing vegetated **steep slopes**
- Connectivity to water quality areas (such as wooded riparian areas)
- Development potential (potential for additional impervious area)

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Resources for Parcels for Conservations Easements

<http://www.durhamnc.gov/departments/planning/>

- New Hope Creek Corridor Open Space Master Plan
- Eastern Durham Open Space Plan
- Little River Corridor Open Space Plan
- Upper Neuse Clean Water Initiative
http://www.ctnc.org/site/PageServer?pagename=prot_upperneuse
- Ellerbe Creek Critical Area Protection Plan
(Final will be available shortly)
- Third Fork Creek Critical Area Protection Plan
(in progress)

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Factors Against Acceptance

- Abuts **residential** area (a strip of land may be excluded)
- Lack of **access**
- Evidence of land management **problems** (dumping, adjacent land owner encroachment, etc)
- Isolated tracts **less than ½ acre**

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Modification to Existing Conditions to Support Acceptance

- Agricultural Land that is reforested
- Reforest an unforested buffer
- Removal of impervious area and reforestation

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Parcels not accepted

- Within a subdivision that has an HOA.
- Property that has met another requirement such as open space, density credit, Nutrient reduction.
- Agricultural land being used for agricultural uses
- Unapproved logging activities

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Land that will not count towards acreage needed

- No double counting
- First 50' of stream buffer
- Floodway or non-encroachment area

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